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6  
7 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-522**

**A C C U S A T I O N**

11 **ANNIE DELGADO,**  
a.k.a. ANNIE McDONALD,  
12 a.k.a. BARBARA ANN BARNES,  
a.k.a. BARBARA ANN McDONALD,  
13 a.k.a. BARBARA ANN DUNOFF,  
a.k.a. BARBARA ANN KRAMPF,  
14 a.k.a. BARBARA A. ABZUG  
1400 Technology Lane, Apt. 1234  
15 Petaluma, CA 94954  
Registered Nurse License No. RN 390490  
16 Public Health Nurse Certificate No. PHN 62435

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 2. On or about August 31, 1985, the Board of Registered Nursing issued Registered  
25 Nurse License Number RN 390490 to Annie Delgado, aka Barbara A. Abzug, Annie McDonald,  
26 Barbara Ann Barnes, Barbara Ann McDonald, Barbara Ann Dunoff, Barbara Ann Krampf  
27 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to  
28 the charges brought herein and will expire on August 31, 2011, unless renewed.

3. On or about July 28, 2000, the Board of Registered Nursing issued Public Health Nurse Certificate PHN 62435 to Annie Delgado, aka Barbara A. Abzug, Annie McDonald, Barbara Ann Barnes, Barbara Ann McDonald, Barbara Ann Dunoff, Barbara Ann Krampf (Respondent). The Public Health Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2011, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

## STATUTORY PROVISIONS

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

7. Section 2761 of the Code states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

• • •

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

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1        8. . . . Section 2762 of the Code states, in pertinent part:

2        "In addition to other acts constituting unprofessional conduct within the meaning of this  
3 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this  
4 chapter to do any of the following:

5        . . .

6        "(b) Use any controlled substance as defined in Division 10 (commencing with Section  
7 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in  
8 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to  
9 himself or herself, any other person, or the public or to the extent that such use impairs his or her  
10 ability to conduct with safety to the public the practice authorized by his or her license.

11        "(c) Be convicted of a criminal offense involving the prescription, consumption, or  
12 self-administration of any of the substances described in subdivisions (a) and (b) of this section,  
13 or the possession of, or falsification of a record pertaining to, the substances described in  
14 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
15 thereof.

16        9.        Section 490 of the Code provides, in pertinent part, that a board may suspend or  
17 revoke a license on the ground that the licensee has been convicted of a crime substantially  
18 related to the qualifications, functions, or duties of the business or profession for which the  
19 license was issued.

20        10.        Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

24        11.        California Code of Regulations, title 16, section 1444, provides, in pertinent part:  
25 that a conviction or act shall be considered to be substantially related to the qualifications,  
26 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
27 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
28 safety, or welfare.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of a Crime Substantially Related to Nursing)

3 12. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the  
4 Code in that she was convicted of a crime substantially related to the practice of registered  
5 nursing. The circumstances are as follows:

6 13. On or about June 16, 2008, in Sonoma County Superior Court case number SCR-  
7 539064, Respondent plead guilty to a violation of Vehicle Code section 25152(b) (Driving while  
8 having a blood alcohol of .08% or higher),

9 SECOND CAUSE FOR DISCIPLINE

10 (Conviction of Crime Substantially Related to Nursing)

11 14. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the  
12 Code in that she was convicted of a crime substantially related to the practice of registered  
13 nursing. The circumstances are as follows:

14 15. On or about June 7, 2002, Respondent was convicted of Driving Under the Influence  
15 of Alcohol and of Driving a Vehicle with a Blood Alcohol of Greater than .10%, in County Court,  
16 County of Boulder, State of Colorado, in *People of the State of Colorado vs. Annie McDonald*,  
17 Case number 2000T-006077. Her conviction for violation of Colorado Revised Statutes CRS 42-  
18 4-1301(1)(a) (Driving Under the Influence of Alcohol) and CRS 42-4-1301(2)(a) (Driving a  
19 Vehicle with a Blood Alcohol of Greater than .10% ) was entered by the Court pursuant to  
20 Colorado Revised Statutes CRS 42-2-127 when she failed to appear three times for scheduled  
21 court appearances.

22 THIRD CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct - Conviction of Crimes/Alcohol-Related)

24 16. Respondent is subject to disciplinary action under section 2762(c) of the Code in that  
25 she was convicted of criminal offenses involving the consumption or self-administration of  
26 alcoholic beverages to an extent or in a manner dangerous to herself, another person, or the public  
27 or to the extent that such use impairs her ability to practice registered nursing safely. The  
28 circumstances are set forth in paragraphs 13 and 15 above.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

17. Respondent is subject to disciplinary action under section 2762(b) of the Code in that she used alcohol to an extent or in a manner dangerous or injurious to herself, another person or the public, or to the extent its use impairs her ability to practice registered nursing safely. The circumstances are set forth in paragraphs 13 and 15 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number RN 390490, issued to Annie Delgado, aka Barbara A. Abzug, Annie McDonald, Barbara Ann Barnes, Barbara Ann McDonald, Barbara Ann Dunoff, Barbara Ann Krampf;

2. Revoking or suspending Public Health Nurse License Certificate PHN 62435, issued to Annie Delgado, aka Barbara A. Abzug, Annie McDonald, Barbara Ann Barnes, Barbara Ann McDonald, Barbara Ann Dunoff, Barbara Ann Krampf;

3. Ordering Annie Delgado, aka Barbara A. Abzug, Annie McDonald, Barbara Ann Barnes, Barbara Ann McDonald, Barbara Ann Dunoff, Barbara Ann Krampf, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: 4/20/10

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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